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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,004	04/13/2001	Peter Freyhult	45060-00002	3176

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EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2672

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,004

Applicant(s)

FREYHULT, PETER

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5.      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Vittorio Castelli et al., U.S. Patent 6,326,965, 12/2001.

As per independent claim 1, Castelli discloses a method for organizing image data forming a picture defined by a plurality of levels, each level including subpicture areas corresponding to different image resolution relative to image resolution levels corresponding to subpicture areas, the method comprising receiving a subpicture element (i.e. view element) having image data (col. 5, ll. 33-35), identify a subpicture area in which an element may be placed (col. 6, ll. 18-22), the area being in the lowest possible level of the image (col. 1-2, ll. 65-5; Fig. 6), placing the image data of the subpicture element in the identified subpicture area (col. 5, ll. 50-55), upon determination that the amount of image data in the subpicture area exceeds a predetermined maximum amount (i.e. performance costs) (col. 6, ll. 2-12) identifying overlapping subpicture area in a level corresponding to the next higher image data

resolution level (i.e. the next transition element comprising frequency synthesis) that overlaps the identified subpicture area (col. 6, ll. 12-37) and placing image data of one or more subpicture elements from the identified subpicture area into one of the overlapping subpicture areas (col. 5, ll. 50-55).

As per dependent claims 2, 12 and 22, Castelli discloses repeating the step of selecting a subpicture element identifying a subpicture area, placing the image data, identifying overlapping subpicture areas and placing one or more subpicture elements for a new subpicture element (col. 5, ll. 60-65).

As per dependent claims 3, 13 and 23, Castelli discloses upon determination that the amount of image data in the subpicture area exceeds a predetermined maximum amount (col. 6, ll. 2-12) identifying overlapping subpicture area in a level corresponding to the next higher image data resolution level (col. 6, ll. 16-37; Fig. 7) redefining the subpicture areas of the picture image (col. 5, ll. 48-65).

As per dependent claims 4, 14 and 24, Castelli discloses upon determination that the number of overlapping subpicture areas is zero (Fig. 7 "711"), redefining the subpicture areas of the picture image (col. 5, ll. 48-65).

As per dependent claims 5, 15 and 25, Castelli discloses placing image data of one or more subpicture elements (col. 5, ll. 50-55).

As per dependent claims 6, 16 and 26, Castelli discloses one of the overlapping subpicture areas comprise the overlapping subpicture area that are capable of receiving image data from the identified subpicture area (col. 6, ll. 18-22) so that the amount of image data in the identified subpicture area is less than the predetermined maximum amount (col. 6, ll. 3-12, 30-37).

As per dependent claims 7, 17 and 27, Castelli discloses selectively redefining the subpicture areas of the picture image (col. 2, ll. 9-10; col. 5, ll. 50-55).

As per dependent claims 8, 18 and 28 Castelli discloses initially receiving a picture scheme for the picture image defining the subpicture areas within the levels (col. 5, ll. 3-5, 33-35), the step of selectively redefining comprising extracting placed subpicture elements (col. 5, ll. 48-55), receiving a new picture scheme (i.e. transition element) for a new picture image (col. 7, ll. 8-25, 43-49) and repeating the selecting a subpicture element (col. 1, ll. 47-49; col. 2, ll. 8-10), identifying a subpicture area (col. 6, ll. 18-22), placing the image data (col. 6, ll. 32-34), identifying overlapping subpicture areas (col. 5, ll. 50-55) and placing one or more subpicture elements for each extracted subpicture element (col. 5, ll. 60-65).

As per dependent claims 9, 19 and 29, Castelli discloses identifying the overlapping subpicture area capable of receiving the greatest amount of image data from the

identified subpicture area (col. 6, ll. 18-22) and upon determination that the amount of image data in the subpicture area exceeds a predetermined maximum amount (col. 6, ll. 2-12) identifying overlapping subpicture area in a level corresponding to the next higher image data resolution level (col. 6, ll. 16-37; Fig. 7) and redefining the subpicture areas of the picture image (col. 6, ll. 18-24; col. 5, ll. 48-65).

As per dependent claim 10, Castelli discloses following the step of identifying overlapping subpicture areas, placing image data of one or more subpicture elements into one subpicture area from one or more overlapping subpicture areas in a next level corresponding to a lower image data resolution (Figs. 6-7).

As per independent claim 11, Castelli discloses a computer product (col. 4, ll. 40-45) for organizing image data forming a picture defined by a plurality of levels, each level including subpicture areas corresponding to different image resolution relative to image resolution levels corresponding to subpicture areas, the computer product comprising receiving a subpicture element (i.e. view element) having image data (col. 5, ll. 33-35), identify a subpicture area in which an element may be placed (col. 6, ll. 18-22), the area being in the lowest possible level of the image (col. 1-2, ll. 65-5; Fig. 6), placing the image data of the subpicture element in the identified subpicture area (col. 5, ll. 50-55), upon determination that the amount of image data in the subpicture area exceeds a predetermined maximum amount (i.e. performance costs) (col. 6, ll. 2-12) identifying overlapping subpicture area in a level corresponding to the next higher image data

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resolution level (i.e. the next transition element comprising frequency synthesis) that overlaps the identified subpicture area (col. 6, ll. 12-37) and placing image data of one or more subpicture elements from the identified subpicture area into one of the overlapping subpicture areas (col. 5, ll. 50-55).

As per dependent claim 20, Castelli discloses image data in each subpicture area is individually transportable between memory in the graphics system and the display monitor (col. 6, ll. 38-47).

As per independent claim 21, Castelli discloses a system (Fig. 2) for organizing image data forming a picture defined by a plurality of levels, each level including subpicture areas corresponding to different image resolution relative to image resolution levels corresponding to subpicture areas, the system comprising receiving a subpicture element (i.e. view element) having image data (col. 5, ll. 33-35), identify a subpicture area in which an element may be placed (col. 6, ll. 18-22), the area being in the lowest possible level of the image (col. 1-2, ll. 65-5; Fig. 6), placing the image data of the subpicture element in the identified subpicture area (col. 5, ll. 50-55), upon determination that the amount of image data in the subpicture area exceeds a predetermined maximum amount (i.e. performance costs) (col. 6, ll. 2-12) identifying overlapping subpicture area in a level corresponding to the next higher image data resolution level (i.e. the next transition element comprising frequency synthesis) that

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overlaps the identified subpicture area (col. 6, ll. 12-37) and placing image data of one or more subpicture elements from the identified subpicture area into one of the overlapping subpicture areas (col. 5, ll. 50-55).



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Chante Harrison** whose telephone number is **(703) 305-3937**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ch  
March 5, 2003



**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**